

Daniela's TacoRito Incidents

10/19/03	Disturbance - unruly customers (2)	Daniela's	.19 & .26 BAC
01/21/04	Accident & OUI Arrest	High Street	.17 BAC
10/16/04	After hours open <u>reports w/below</u>	Daniela's	
10/18/04	OUI Arrest	Main Street	.15 & .14 BAC
11/27/04	After hours serving report	Daniela's	
09/24/05	Accident & OUI Arrest	Prospect Street	.15 & .16 BAC
09/02/05	OUI Arrest	School Street	.16 BAC

EXTRA INFO. 10/17/05 - (12)

MATERIALS FROM POLICE CHIEF

(12)

Acton Police Department

InterDepartmental Memo

From: Frank J. Widmayer, Chief of Police

Date: October 21, 2003

To: Don Johnson, Town Manager

Subj: Liquor Law violation

FILE COPY

I am enclosing copies of police incident reports detailing problems at Danielas Tacorito at 208 Main Street.

I recommend that the Board of Selectmen call the manager or owner in for a review of their serving policies.



Frank J. Widmayer
Chief of Police

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Lt. Thomas Rogers
FROM: Raymond P. Grey
SUBJ: Liquor Violation

DATE: October 19, 2003

10-21-03
forwarded to COP
TR

On this date Officers responded to two 911 calls from Daniela's Tacorito restaurant located at 208 Main Street. In both calls the responding officers placed individuals into protective custody. During the booking the prisoners requested a breath test and readings of .19 and .26 resulted. Statements during booking indicated they had been drinking prior to arriving at the restaurant. Both prisoners acknowledged being served several drinks while at the restaurant. It is apparent that the employee should recognized the signs and symptoms of intoxication and not continued to serve them alcohol. I have attached copies of the appropriate Incident Reports to this correspondent.

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0318730	CALL FOR SERVICE	KEELER	10/19/2003, 22:06	AUSTIN
	DANIELAS TACORITO	COONEY	10/19/2003, 22:06	GREY
5	208 MAIN ST	HOLWAY	10/19/2003, 22:06	DISTURBANCE
No No	Cross: PROSPECT ST @201 KELLY RD @240 ACTON, MA, 01720 (01) ARREST	DELLICICCH	10/19/2003, 22:15	DISTURBANCE CT: AUSTIN
Reported as: DISTURBANCE Found as: DISTURBANCE Domestic Abuse: No				
Dispatcher Remarks: ALL UNITS RESPONDED TO THE ABOVE FOR A OUT OF CONTROL CUSTOMER. 39JC REPORTS COMING BACK WITH ONE PC				
ARRESTED (Male) M0203552	[REDACTED], ROBERT R JR [REDACTED] SHIRLEY MA 01464 Phone: 978-425-6280 Race: WHI Commt: ARRESTED: DISTURBANCE		License: [REDACTED] (MA) SSN: [REDACTED] DOB: 10/22/1971 Age: 31	
OTHER M0304612	DANIELA'S TACORITO 208B MAIN ST ACTON MA 01720 Phone: 978-266-2777 Commt: INTOXICATED CUSTOMER		License: None DOB: None Recorded	
REPORTER (Male) M9802199	MIRANDA, GERALDO 37 HOSMER ST MARLBOROUGH MA Phone: None Recorded Commt: OWNER, DANIELA'S TACORITO		License: [REDACTED] (MA) SSN: [REDACTED] DOB: 10/25/1964 Age: 38	
Narrative(s):				
Narr. 1: PTL. JOHN COONEY Title: PROTECTIVE CUSTODY	Division: None Entered: PTL. JOHN COONEY Reviewed: No officer	Status: Open	[I0318730]	
On the above date and time I was dispatched to Daniela's Tacorito regarding an unruly customer. On arrival I observed an intoxicated male who Officers Holway, Keeler and Delicicchi had already removed from the establishment. I entered and spoke with the owner, Geraldo Miranda, who related that the customer had become unruly and argumentative when told that he could not smoke in the establishment. At that time I placed the subject, identified as Robert [REDACTED], in protective custody. His female friend, Natalie [REDACTED] asked for his car keys. She was told that she could not have the keys since she had been drinking. [REDACTED] was transported back to the Acton Police Station where he was booked by Sgt. Grey and advised of his rights. His PBT result				

Acton Police Department
Incident Report

October 21, 2003

Tuesday 16:1

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. JOHN COONEY Incident I0318730

was .193. [REDACTED] was allowed use of the phone and placed in cell 1.

Ptl John Cooney
Acton Police, #39

October 21, 2003

Incident Report

Tuesday 16:1

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0318732	CALL FOR SERVICE	HOLWAY	10/19/2003, 22:35	AUSTIN
	DANIELAS TACORITO	KEELER	10/19/2003, 22:36	GREY
7	208 MAIN ST	DELLICICCH	10/19/2003, 22:37	DISTURBANCE
No No	Cross: PROSPECT ST @201 KELLY RD @240 ACTON, MA, 01720 (01) ARREST		10/19/2003, 22:41	DISTURBANCE CT: AUSTIN
<p>Reported as: DISTURBANCE Found as: DISTURBANCE</p> <p>Domestic Abuse: No</p> <p>Dispatcher Remarks: 85DH/65DK/91TD RESPONDED TO THE ABOVE FOR A DISTURBANCE 91TD REPORTS COMING BACK WITH ONE. THIS IS THE SECOND DISTURBANCE THIS EVENING.</p>				
ARRESTED (Female) M9503565	██████████, NATALIE J ██████████ ACTON MA 01720 Phone: 266-2787 Race: WHI Commnt: ARRESTED: DISTURBANCE		License: ██████████ (MA) SSN: ██████████ DOB: 09/14/1963 Age: 40	
REPORTER (Female) M0304615	NELSON, DENISE 18 LINDBERG AVE. MAYNARD MA 01265 Phone: None Recorded Race: W Commnt: BARTENDER OF DANIELAS TACORITO		License: None DOB: 06/16/1965 Age: 38	
PROP-OWNR (Male) M9802199	MIRANDA, GERALDO 37 HOSMER ST MARLBOROUGH MA Phone: None Recorded Commnt: OWNER OF DANIELA'S TACORITO		License: 026-68-3458 (MA) SSN: 026-68-3458 DOB: 10/25/1964 Age: 38	
Narrative(s):				
<p>Narr. 1: PTL. TRICIA DELLICICCHI Division: None Status: Open [I0318732] Title: POLICE REPORT Entered: PTL. TRICIA DELLICICCHI Reviewed: No officer</p>				
<p>ON MONDAY OCTOBER 19TH, 2003 AT 22:35 P.M. DISPATCHER AUSTIN ADVISED OFFICER HOLWAY, OFFICER KEELER AND THIS OFFICER OF A DISTURBANCE AT DANIELA'S TACORITO. UPON ARRIVAL AT THE ESTABLISHMENT ALL OFFICERS ENTERED THE RESTAURANT AND FOUND NATALIE ██████████. NATALIE YELLED THAT, "SHE HAD TOO MUCH TOO DRINK AND SHE KNEW SHE COULDN'T DRIVE." SHE CONTINUED YELLING AND STATING THAT, "WE HAD TAKING HER BOYFRIEND AND NOW SHE DIDN'T WANT TO LEAVE. "NATALIE STATED THAT, " SHE LIVED RIGHT AROUND THE CORNER AND COULD WE JUST GIVE HER A RIDE HOME. " NATALIE'S SPEECH WAS SLURRED AND SHE WAS YELLING AT ALL THE OFFICERS. SHE STATED THAT, " SHE HAD THREE KIDS AT HOME AND ALL SHE WANTED TO DO WAS GO HOME."</p>				

Acton Police Department
Incident Report

October 21, 2003

Tuesday 16:17

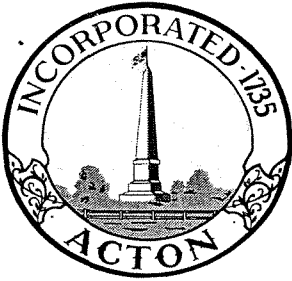
.Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. TRICIA DELLICICCHI Incident I0318732

OFFICER KEELER PLACED NATALIE IN PROTECTIVE CUSTODY AND THIS OFFICER TRANSPORTED NATALIE BACK TO THE ACTON POLICE DEPARTMENT. SHE WAS THEN BOOKED AND AFFORDED A PHONE CALL BY SGT. GRAY. SGT. GRAY ASKED NATALIE IF SHE WANTED TO TAKE A BREATHALYZER TEST, NATALIE REFUSED. A FEW MINUTES LATER NATALIE STATED THAT, "SHE WANTED TO USE THE PHONE. " I OPENED THE FEMALE CELL AND ALLOWED HER TO MAKE A PHONE CALL TO HER EX-HUSBAND DAVID [REDACTED]. IT WAS AT THIS TIME NATALIE STATED THAT, "SHE WANTED TO TAKE THE BREATHALYZER TEST. " I ADMINISTERED THE PORTABLE BREATH TEST TO NATALIE AND THE TEST REVEALED A READING OF .26. I ASKED HER IF SHE WANTED TO CALL ANYONE ELSE AND SHE DECLINED.

PTL. TRICIA DELLICICCHI #91
ACTON POLICE DEPARTMENT



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

February 10, 2004

Daniela's Tacorito
Tracy Boyd, Owner and Manager
208 Main Street
Acton, MA 01720

FILE COPY

Dear Ms. Boyd:

The Board of Selectmen is in receipt of a report from the Police Chief alleging a possible alcoholic beverage service violation at Daniela's Tacorito on January 21, 2004. As you will see in Chief Widmayer's attached report, an intoxicated driver was involved in a single car accident on January 21 and, when questioned, indicated she had been served at your establishment prior to the accident.

This is the second incident involving alleged over-service of alcohol at Daniela's Tacorito that has come to the attention of the Board of Selectmen in the last four (4) months. The Selectmen consider this to be a serious violation of the responsibilities of a liquor license holder in the Town of Acton and have ordered a Hearing to determine what action, if any, they will take in this regard. The Hearing is scheduled for 8:30 PM on Monday, February 23, 2004, in Room 204 at the Acton Town Hall. You are requested to appear before the Board at that time to show cause as to why the Selectmen should not take action with respect to your license.

The Selectmen note that when you appeared before the Board on November 3, 2003, you provided general input regarding your understanding of the incident that had occurred in October but you were not present when the incident occurred and you did not bring anyone with you who was on duty or in charge at that time. With regard to the upcoming February 23 Hearing, the Selectmen have specifically directed that, in addition to yourself, any individual (other than yourself) who may have been on duty and in charge at the time of the alleged January 21 violation be present and available for questioning by the Board.

Please phone Christine Joyce at (978) 264-9612 to confirm your February 23 hearing date.

Very truly yours,

Don P. Johnson
Don P. Johnson
Town Manager

Gc: Police Chief

1303 2/9 11

Acton Police Department

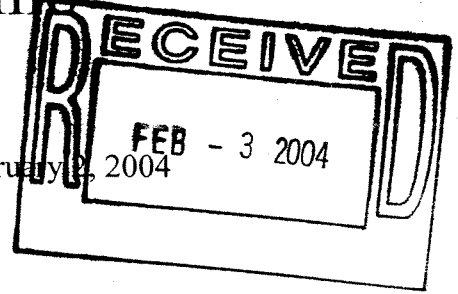
InterDepartmental Memo

From: Frank J. Widmayer, Chief of Police

Date: February 2, 2004

To: Don Johnson, Town Manager

Subj: Liquor Law violation



I am enclosing a copy of a police incident report detailing another problem at Daniela's Tacorito at 208 Main Street. I last reported on a problem at this establishment in October, 2003 and the Board called them in at that time.

I recommend that the Board of Selectmen call the manager or owner in again for a review of their serving policies.

A handwritten signature in cursive script, reading "Frank J. Widmayer".

Frank J. Widmayer
Chief of Police

From: ACTPD::RPG "RAYMOND P. GREY" 23-JAN-2004 06:28;09.72
To: TJR
CC: RPG
Subj: ALCOHOL VIOLATION

Lt.

On your desk is a copy of Officer Krug's arrest report, during booking Ms. [REDACTED] stated she had been drinking at Daniela's Tacorita on Main Street. Ms. [REDACTED] was a .17 BAC almost 2 hours after the accident. I asked her if she had been drinking prior to Daniela's, her response was "no."

1-23-04

Forwarded to COP

TR

REC-117

January 23, 2004

Acton Police Department
Incident Report

Friday 01:01

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0401401 1 Yes Yes	CALL FOR SERVICE 27 HIGH ST FAULKNER HILL RD ACTON, MA, 01720 (01) ARREST	KRUG DELLICICCH	01/21/2004, 23:20 01/21/2004, 23:24 01/21/2004, 23:24 01/22/2004, 00:04	ANTONELLI GREY MVA/PI ACCIDENT W/PI CT: ANTONELLI

Reported as: ACCIDENT W/PI Found as: ACCIDENT W/PI
Domestic Abuse: No

Dispatcher Remarks:

REPORT OF MVA/PI NEAR ABOVE. AFD/OFC KRUG/OFC DELLICICCHI RESPONDED. SCOTT
MOTORS TO TOW MA REG 4603GI/POLE 24/7 STRUCK-NSTAR ADVISED-SGT GREY FOR
PHOTOS. (1) TRANSPORTED TO EMERSON/UNDER ARREST

ARRESTED [REDACTED] License: [REDACTED] (MA)
(Female) [REDACTED] HIGH ST
M0305110 ACTON MA 01720
Phone: [REDACTED] Race: WHI DOB: 12/18/1967 Age: 36
Commnt: ARRESTED: ACCIDENT W/PI
SSN: [REDACTED]

PROP-OWNR [REDACTED] License: [REDACTED]
(Female) [REDACTED]
M0400329 [REDACTED] MA 01730
Phone: None Recorded Race: W DOB: 12/18/1967 Age: 36
Commnt: PROP-OWNR OF PRESCRIPTION MEDICATION
SSN: [REDACTED]

PROP-OWNR [REDACTED] License: [REDACTED]
(Male) [REDACTED] HIGH ST
M0400331 ACTON MA 01720
Phone: None Recorded Race: W DOB: 11/28/1960 Age: 43
Commnt: PROP-OWNR MA REG 4603GI
SSN: [REDACTED]

PROP-OWNR NSTAR License: None
800 BOYLSTON ST
M0101446 BOSTON MA 02199
Phone: [REDACTED] DOB: None Recorded
Commnt: DAMAGE TO HIGH ST POLE 24/7

WITNESS [REDACTED] License: [REDACTED] (MA)
(Male) [REDACTED]
M9003920 ACTON MA 01720
Phone: [REDACTED] Race: WHI DOB: 07/16/1977 Age: 26
Commnt: WITNESSED ACCIDENT
SSN: [REDACTED]

WITNESS [REDACTED] License: [REDACTED] (MA)
(Male) [REDACTED]
M9007279 ACTON MA 01720
Phone: [REDACTED] Race: WHI DOB: 09/22/1983 Age: 20
Commnt: WITNESSED ACCIDENT

January 23, 2004

Acton Police Department
Incident Report

Friday 01:01

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Incident I0401401 (continued)

Vehicles:

ID	Sr	Status	Color	Year	Make	Model	Style	VIN
V0400091	AC	No status	Green	1999	Dodge	Caravan	Van	
		Tag: MA 4603GI	Personal	Red				
		Person: 03 [REDACTED]	(PROP-OWNER)					

Narrative(s):

Narr. 1: PTL. SCOTT KRUG
Title: REPORTDivision: None
Entered: PTL. SCOTT KRUG
Reviewed: No officer
Status: Open

[I0401401]

ON THE ABOVE DATE AND TIME AS A RESULT OF A RADIO CALL I WAS REQUESTED TO RESPOND TO A MOTOR VEHICLE ACCIDENT, HIGH ST AT MAIN ST. UPON MY ARRIVAL WITH THE FIRE DEPT THE MVA WAS LOCATED AT 22 HIGH ST. THE VEHICLE WAS FACING EAST ON HIGH ST IN THE WESTBOUND LANE, FACING INTO UTILITY POLE # 24/7. THE VEHICLE HAD EXTENSIVE FRONT END DAMAGE WITH THE AIRBAGS DEPLOYED. THERE WAS A FEMALE STAGGERING AROUND THE VEHICLE, HOLDING ONTO THE VEHICLE AT TIMES TO MAINTAIN HER BALANCE.

I SPOKE WITH THE FEMALE IDENTIFYING HERSELF AS [REDACTED]. I ASKED MS [REDACTED] FOR HER LICENSE, SHE STATED I DON'T HAVE IT WITH ME. MS [REDACTED] STATED SHE WAS THE OPERATOR OF THE VEHICLE. AS THE FIRE DEPT EVALUATED, AND TREATED MS [REDACTED] I OBSERVED MS [REDACTED] STAGGERING, AND CONTINUOUSLY GRABBING THE SIDE OF HER VEHICLE TRYING TO MAINTAIN HER BALANCE. MS [REDACTED] EYES WERE GLASSY, WATERY, AND BLOODSHOT. WHEN SHE SPOKE TO THE FIREFIGHTERS MS [REDACTED] SPEECH WAS SLOWED AND SLURRED. WHILE THE FIRE DEPT TREATED MS [REDACTED] I GOT INTO THE BACK OF THE AMBULANCE TO SPEAK TO HER. IN THE BACK OF THE AMBULANCE I COULD DETECT AN ODOR OF AN ALCOHOLIC BEVERAGE COMING FROM MS [REDACTED]. I ASKED MS [REDACTED] WHAT HAPPENED. MS [REDACTED] STATED SHE WAS TRAVELING EAST ON HIGH ST WHEN A SQUIRREL RAN OUT IN FRONT OF HER VEHICLE. ALLEGEDLY MS [REDACTED] SWERVED TO MISS THE SQUIRREL AND STRUCK A UTILITY POLE. I ASKED MS [REDACTED] IF SHE HAD BEEN DRINKING TONIGHT, SHE STATED SHE HAD TWO BEERS. I ASKED HER WHERE DID SHE HAVE THE 2 BEERS, SHE SAID AT A BAR. I THEN ASKED HER WHAT BAR, SHE HESITATED FOR A MOMENT AND STATED I CAN'T REMEMBER THE NAME OF THE BAR. I THEN ASKED HER WHAT TOWN WAS IT IN, SHE COULD NOT ANSWER THE QUESTION. AFTER A FEW MINUTES MS [REDACTED] STATED A MEXICAN BAR NEXT TO ACE HARDWARE (DANIEALA'S CANTINA). I STEPPED OUTSIDE OF THE AMBULANCE AND OBSERVED THERE WERE NO SKID MARKS ON THE PAVEMENT LEADING TO MS [REDACTED] VEHICLE. AT THIS POINT I INFORMED MS [REDACTED] SHE WAS UNDER ARREST FOR OPERATION OF A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL. I THEN WENT TO EMERSON HOSPITAL WITH MS [REDACTED] BEING TRANSPORTED BY ACTON FIRE. UPON MY ARRIVAL AT EMERSON HOSPITAL MS [REDACTED] WAS EVALUATED IN THE EMERGENCY ROOM.

AFTER MS [REDACTED] WAS TREATED AT EMERSON I READ MS [REDACTED] HER MIRANDA RIGHTS AND SHE STATED SHE UNDERSTOOD HER RIGHTS. I THEN TRANSPORTED MS [REDACTED]

January 23, 2004

Acton Police Department
Incident Report

Friday 01:01

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. SCOTT KRUG

Incident I0401401

BACK TO THE STATION. UPON MY ARRIVAL AT THE STATION SGT GREY BOOKED MS [REDACTED]. SGT GREY INFORMED ME OFFICER DELLICICCHI SEIZED TWO PRESCRIPTION BOTTLES OF MEDICATION FROM MS [REDACTED] VEHICLE AND TURNED THEM OVER TO HIM. ONE BOTTLE WAS A BOTTLE OF CLONAZEPAN PRESCRIBED TO MS [REDACTED]. THE BOTTLE HAD A WARNING LABEL READING "ALCOHOL MAY INTENSIFY THE EFFECTS". THE SECOND BOTTLE WAS A BOTTLE OF ZOLOF PRESCRIBED TO [REDACTED], MS [REDACTED] SISTER. THIS BOTTLE HAD A WARNING LABEL THAT READ "DO NOT DRINK ALCOHOL". SGT GREY THEN INFORMED ME MS [REDACTED] STATED TO SGT GREY SHE HAD TAKEN THE ZOLOF AND CLONAZEPAN EARLIER IN THE NIGHT. MS [REDACTED] REGISTERED A .17 ON THE BAC.

THE VEHICLE WAS INVENTORIED BY OFFICER DELLICICCHI AND TOWED BY J SCOTT MOTORS. SGT GREY TOOK PHOTOS OF THE SCENE. I WROTE MS [REDACTED] 3 CITATIONS (M0063436, M0063437, M0063438) FOR THE FOLLOWING:

90-24 OUI ALCOHOL
90-24 OUI DRUGS
90-24 OPERATION OF A MOTOR VEHICLE AS TO ENDANGER
90-11 NO LICENSE IN POSSESSION
89-4A MARKED LANES VIOLATION
94C-32 POSSESSION OF CLASS E SUBSTANCE

OFFICER SCOTT KRUG #82
ACTON POLICE

Narr. 2: PTL. SCOTT KRUG
Title: MV ACCIDENT REPORT

Division: None Status: Open
Entered: PTL. SCOTT KRUG
Reviewed: No officer

[I0401401]

Citation Number if issued: M0063436, M0063437, M0063438

VEHICLE ONE WAS TRAVELING EAST ON HIGH ST DROVE IN WESTBOUND LANE AND OFF THE ROAD. VEHICLE ONE STRUCK UTILITY POLE # 24/7. VEHICLE ONE HAD FRONT END DAMAGE.

Narr. 3: PTL. TRICIA DELLICICCHI
Title: SUPPLEMENTAL REPORT

Division: None Status: Open
Entered: PTL. TRICIA DELLICICCHI
Reviewed: No officer

[I0401401]

ON WEDNESDAY JANUARY 21ST, 2004 WHILE IN FULL UNIFORM AND MARKED CRUISER #24 I WAS DISPATCHED TO HIGH ST IN ACTON FOR A MOTOR VEHICLE ACCIDENT WITH PERSONAL INJURY.

UPON ARRIVAL AT THE SCENE I OBSERVED A GREEN MINIVAN MA. REG. 4603GI, THAT HAD STRUCK A UTILITY POLE IN THE AREA OF 22 HIGH ST, ACTON. OFFICER KRUG AND

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 3 (continued) By: PTL. TRICIA DELLICICCHI Incident I0401401

THE ACTON FIRE DEPARTMENT HAD ALREADY ARRIVED ON THE SCENE AND OFFICER KRUG WAS IN THE ACTON AMBULANCE WITH THE OPERATOR OF THE VEHICLE, [REDACTED]. OFFICER KRUG THEN EXITED THE AMBULANCE AND STATED TO THIS OFFICER THAT [REDACTED] WOULD BE UNDER ARREST FOR OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL. THE ACTON FIRE DEPARTMENT THEN TRANSPORTED [REDACTED] DOWN TO EMERSON HOSPITAL IN CONCORD WHERE HER INJURIES COULD BE EVALUATED. OFFICER KRUG FOLLOWED THE ACTON FIRE DEPARTMENT DOWN TO THE HOSPITAL WHILE I REMAINED WITH [REDACTED] VEHICLE.

WHILE WAITING FOR THE TOWING COMPANY (J. SCOTT MOTORS) TO ARRIVE I CONDUCTED AN INVENTORY SEARCH OF THE MOTOR VEHICLE. I OBSERVED THAT BOTH AIRBAGS HAD BEEN DEPLOYED AND THERE WAS SEVERE FRONT END DAMAGE. I THEN SEIZED TWO (2) PRESCRIPTION BOTTLES OF MEDICATION FROM THE FRONT PASSENGER SEAT AND FLOOR. THE PRESCRIPTION BOTTLES READ CLONAZEPAN AND ZOLOFT AND WERE TAKEN AS EVIDENCE. AFTER COMPLETING THE INVENTORY I OBSERVED TWO (2) MALE SUBJECTS STANDING AT THE DRIVEWAY TO 25 HIGH ST. I APPROACHED THE YOUNG MALES AND ASKED THEM IF THEY HAD SEEN THE ACCIDENT, BOTH PARTIES STATED THAT, " THEY HEARD A LOUD SCREECH AND THEN A CRASH. " IT WAS AT THIS TIME SGT. GRAY ARRIVED TO PHOTOGRAPH THE ACCIDENT SCENE AND J. SCOTT MOTORS ARRIVED. I ASKED THE MALE SUBJECTS IF THEY WOULD MIND GIVING A STATEMENT AND THEY STATED THAT THEY WOULDN'T MIND.

AFTER SGT. GRAY AND J. SCOTT MOTORS (TOWING COMPANY) HAD CLEARED THE ACCIDENT SCENE I SPOKE TO THE TWO (2) MALE WITNESSES. THE WITNESSES IDENTIFIED THEMSELVES AS [REDACTED] AND [REDACTED] OF [REDACTED] ST, ACTON. THEY BOTH STATED THAT, " THEY WOULD LIKE TO REMAIN ANONYMOUS BUT THEY DID WANT TO LET ME KNOW THAT THEY OBSERVED [REDACTED] EXIT HER VEHICLE AFTER STRIKING THE UTILITY POLE. " THEY ALSO STATED THAT, " [REDACTED] THEN STUMBLED UP TO THEM, AND IT WAS THEN THAT BOTH [REDACTED] AND [REDACTED] ASKED IF SHE WAS ALRIGHT. [REDACTED] STATED THAT SHE WAS OK AND THAT AN ANIMAL HAD RAN IN FRONT OF HER VEHICLE CAUSING HER TO CRASH. " BOTH [REDACTED] AND [REDACTED] STATED THAT THEY HAD A HARD TIME UNDERSTANDING [REDACTED] DUE TO HER SLURRED SPEECH. BOTH [REDACTED] AND [REDACTED] STATED THAT SHE APPEARED UNSTEADY ON HER FEET AND WAS ACTING AS IF SHE WAS INTOXICATED. "

LASTLY, I ASKED THEM BOTH IF I COULD HAVE THEIR BIRTHDATES. IT WAS AT THIS TIME BOTH [REDACTED] AND [REDACTED] STATED, " THEY DIDN'T WANT THEIR NAMES MENTIONED AND THAT THEY DIDN'T THINK THEY WANTED TO BE WITNESSES. " I ASKED THEM TO WRITE A WRITTEN STATEMENT OF WHAT THEY OBSERVED AND DROP IT OFF AT THE ACTON POLICE DEPARTMENT. BOTH PARTIES STATED THEY WOULD THINK ABOUT IT.

Tricia Dellucchi #91

Acton Police Department
Incident Report

January 23, 2004

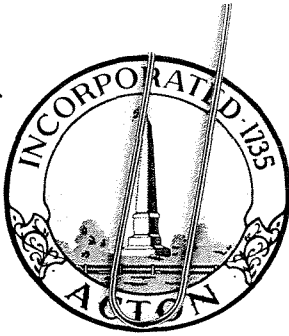
Friday 01:01

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 3 (continued) By: PTL. TRICIA DELLICICCHI Incident I0401401

PTL. TRICIA DELLICICCHI #91
ACTON POLICE DEPARTMENT



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

November 22, 2004

Daniela's Tacorito
Tracy Boyd, Manager
208 Main Street
Acton, MA 01720

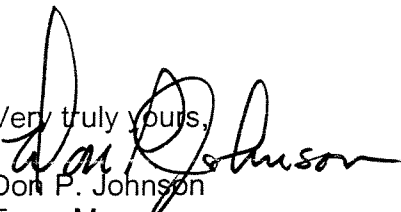
Dear Ms. Boyd:

The Board of Selectmen is in receipt of a report from the Police Chief regarding the Middlesex District Attorney's office alleging a possible alcoholic beverage service violation at Daniela's Tacorito on October 18, 2004. As you will see in Chief Widmayer's attached report, an intoxicated driver was stopped by Officer Krug on October 18, 2004, and when questioned, indicated he had been served at your establishment prior to the accident.

This is the third incident involving alleged over-service of alcohol at Daniela's Tacorito that has come to the attention of the Board of Selectmen in the last 10 months. The Selectmen consider this to be a serious violation of the responsibilities of a liquor license holder in the Town of Acton and have ordered a Hearing to determine what action, if any, they will take in this regard. The Hearing is scheduled for 8:00 PM on Monday, December 13, 2004, in Room 204 at the Acton Town Hall. You are requested to appear before the Board at that time to show cause as to why the Selectmen should not take action with respect to your license.

With regard to the upcoming December 13, 2004 Hearing, **the Selectmen have specifically directed that, in addition to yourself, any individual (other than yourself) who may have been on duty and in charge at the time of the alleged October 18th violation be present and available for questioning by the Board.**

Please phone Christine Joyce at (978) 264-9612 to confirm your December 13, 2004 hearing date.

Very truly yours,

Don P. Johnson
Town Manager

Cc: Police Chief

Acton Police Department

InterDepartmental Memo

From: Frank J. Widmayer, Chief of Police

Date: October 28, 2004

To: Don Johnson, Town Manager

Subj: Daniela's TacoRito

FILE COPY

I have attached copies of several incident reports that I feel should be brought to the attention of the Board of Selectmen. The arrest for operating under the influence of alcohol is still pending in the court system.

We will continue to check for possible license violations at this and other locations.



Frank J. Widmayer
Chief of Police

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE				
I0416730	PATROL INITIATED 285 MAIN ST	KRUG DELLICICCH	10/18/2004, 02:22 10/18/2004, 02:23	ANTONELLI COONEY				
1	Cross: MASSACHUSETTS AV		10/18/2004, 02:23	MV STOP				
No No	ROUTE 2 @345 ACTON, MA, 01720 (01) ARREST		10/18/2004, 02:48	M/V VIOLATION CT: ANTONELLI				
<p>Reported as: M/V VIOLATION Found as: M/V VIOLATION</p> <p>Domestic Abuse: No</p> <p>Dispatcher Remarks:</p> <p>OFC KRUG AT EXXON LOT WITH MA REG 277 BJW/OFC DELLICICCHI TO ASSIST</p>								
ARRESTED (Male) M9403500	[REDACTED] [REDACTED] ACTON MA 01720 Phone: [REDACTED] Race: WHI Commt: ARRESTED: M/V VIOLATION		License: [REDACTED] (MA) SSN: [REDACTED] DOB: 04/23/1983 Age: 21					
ARRESTED (Male) M0201668	[REDACTED] [REDACTED] ACTON MA 01720 Phone: [REDACTED] Race: WHI Commt: ARRESTED: M/V VIOLATION		License: [REDACTED] (MA) SSN: [REDACTED] DOB: 05/02/1983 Age: 21					
Vehicles:								
ID	Sr	Status	Color	Year	Make	Model	Style	VIN
V0400894	AR	No status	Blue	2001	Volkswagen	Jetta	Sedan, 4D	
Tag: MA 277BJW Personal Green								
Person: 01 [REDACTED] (ARRESTED)								
Narrative(s):								
<p>Narr. 1: PTL. SCOTT KRUG Division: None Status: Open [I0416730]</p> <p>Title: REPORT Entered: PTL. SCOTT KRUG</p> <p>Reviewed: No officer</p>								
<p>ON THE ABOVE DATE AND TIME I WAS IN THE PARKING LOT OF APLUS GAS STATION MONITORING TRAFFIC. I OBSERVED A VEHICLE DISPLAYING MA REG 277BGW EXIT THE KMART PARKING LOT TRAVELING NORTHBOUND ON MAIN ST (PUBLIC WAY). THE VEHICLE WAS TRAVELING IN THE SOUTHBOUND LANE. THE VEHICLE THEN CAME TO A STOP AT A TRAFFIC LIGHT AT THE INTERSECTION OF MAIN ST AND MASS AVE. WHEN THE LIGHT TURNED GREEN THE VEHICLE CONTINUED NORTHBOUND ON MAIN ST PASSING ME. WHEN THE VEHICLE PASSED ME I OBSERVED THE RIGHT TAILLIGHT WAS OUT ON THE VEHICLE. I ACTIVATED MY BLUE LIGHTS AND THE VEHICLE CAME TO A STOP INSIDE THE EXXON GAS STATION PARKING LOT. I APPROACHED THE OPERATOR OF THE VEHICLE AND REQUESTED HIS LICENSE AND REGISTRATION. THE OPERATOR FUMBLER AROUND WITH PAPERS AND WAS</p>								

Acton Police Department
Incident Report

October 20, 2004

Wednesday 14:34

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. SCOTT KRUG

Incident I0416730

UNABLE TO PRODUCE HIS REGISTRATION. THE OPERATOR THEN SEARCHED FOR HIS LICENSE AND STATED "I HAD IT EARLIER I MUST HAVE LOST IT". THE OPERATOR AT THIS POINT IDENTIFIED HIMSELF AS [REDACTED]. I THEN EXPLAINED TO MR [REDACTED] THE REASON WHY I STOPPED HIM. DURING MY CONVERSATION WITH MR [REDACTED] I COULD DETECT A STRONG ODOR OF AN ALCOHOLIC BEVERAGE. I OBSERVED MR [REDACTED]'S EYES WERE BLOODSHOT AND GLASSY AND HIS SPEECH WAS SLOW AND SLURRED. I ASKED MR [REDACTED] HOW MUCH HE HAD TO DRINK TONIGHT, HE STATED "A LITTLE BIT". I ASKED HIM WHERE HE WAS DRINKING, HE STATED "DANIEL'S CANTINA". I THEN REQUESTED FOR MR [REDACTED] TO STEP FROM THE VEHICLE TO PERFORM SOME FIELD TESTS. WHEN MR [REDACTED] STEPPED FROM THE VEHICLE HE WAS UNSTEADY ON HIS FEET. I ASKED MR [REDACTED] TO WALK OVER TO THE AREA OF WHERE THE GAS PUMPS ARE DUE TO BEING A FLAT SURFACE. AS HE WALK OVER TO THE GAS PUMPS HE WAS STAGGERING .

I FIRST DEMONSTRATED AND EXPLAINED THE NINE-STEP-TURN. DURING THIS INSTRUCTION PHASE MR [REDACTED] LOST HIS BALANCE TWICE, CORRECTING HIS FEET AND PLACE ONE FOOT BACK IN FRONT OF THE OTHER. AFTER EXPLAINING THIS FIELD TEST I ASKED MR [REDACTED] IF HE UNDERSTOOD THIS FIELD TEST, HE STATED "YES". MR [REDACTED] WALKED OUT ONE STEP AND LOST HIS BALANCE STEPPING OFF THE LINE. HE THEN WALKED OUT TO THREE AND LOST HIS BALANCE AGAIN STEPPING OFF THE LINE. MR [REDACTED] CONTINUED THE FIELD TEST NOT TOUCHING HEEL TO TOE. WHEN HE REACHED NINE HE DID AN ABOUT-FACE. ON THE RETURN NINE STEPS HE RAISED HIS ARMS FOR BALANCE AND DID NOT TOUCH HEEL TO TOE. I THEN DEMONSTRATED AND EXPLAINED THE ONE LEG STAND FIELD TEST TO MR [REDACTED]. I ASKED MR [REDACTED] IF HE UNDERSTOOD WHAT I WANTED HIM TO PERFORM, HE STATED "YES". MR [REDACTED] COUNTED UP TO THIRTEEN SWAYING BACK AND FORTH. AT THIRTEEN HE PLACED HIS FOOT DOWN AND PICKED IT BACK UP. WHEN HE REACHED SIXTEEN HE BEGAN TO HOP, TURNING AWAY FROM, AND PLACING HIS FOOT DOWN STATING "SORRY". MR [REDACTED] CONTINUED THE FIELD TEST TO TWENTY-FOUR PLACING HIS FOOT DOWN AND PICKING IT UP COUNTING TO THE END. I THEN REQUESTED FOR MR [REDACTED] TO STATE THE ALPHABET FROM THE LETTER "C" TO THE LETTER "W". DURING THIS FIELD TEST MR [REDACTED] STATED THE ALPHABET WITH A SLOW SLURRED SPEECH. AT THIS POINT I FORMED THE OPINION MR [REDACTED] WAS INTOXICATED AND WAS PLACED UNDER ARREST FOR OUI ALCOHOL.

I ASKED MR [REDACTED] IF HE HAD ANY WEAPONS OR NEEDLES IN HIS VEHICLE THAT I NEEDED TO BE CONCERNED ABOUT, HE STATED "I HAVE A PIPE IN THE CENTER CONSOLE". AT THIS POINT I SPOKE TO THE PASSENGER IN THE VEHICLE IDENTIFIED AS [REDACTED]. MR [REDACTED] EYES WERE BLOODSHOT AND GLASSY. HE HAD A SLOW SLURRED SPEECH. I ASKED MR [REDACTED] HOW MUCH HE HAD TO DRINK TONIGHT, HE STATED "TWO MARGUERITES". I ASKED MR [REDACTED] TO STEP OUT OF THE VEHICLE AND TO PERFORM SOME FIELD TESTS. WHEN MR [REDACTED] STEPPED OUT OF THE VEHICLE HE WAS UNSTEADY ON HIS FEET. I DEMONSTRATED AND EXPLAINED THE ONE LEG STAND FIELD TEST. I ASKED MR [REDACTED] IF HE UNDERSTOOD THIS FIELD TEST, HE STATED "YES". DURING THIS FIELD TEST MR [REDACTED] RAISED HIS ARMS LEVEL WITH HIS SHOULDERS FOR BALANCE. MR [REDACTED] ATTEMPTED TWICE TO DO THIS FIELD TEST, AND WAS UNABLE TO COUNT PAST THREE. AT THIS POINT I PLACED MR [REDACTED] UNDER PROTECTIVE CUSTODY AND PLACED HIM IN THE BACK OF OFFICER DELLICICCHI'S CRUISER. I THEN WENT TO THE VEHICLE TO RETRIEVE THE PIPE INSIDE THE CENTER CONSOLE BUT WAS UNABLE TO LOCATE IT THERE. I LOCATED THE PIPE HIDDEN UNDER THE PASSENGERS SEAT BETWEEN THE PASSENGERS SEAT AND THE PASSENGERS DOOR. THIS PIPE WAS A

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. SCOTT KRUG

Incident I0416730

MULTI-COLORED GLASS PIPE (PURPLE, YELLOW, GREEN) CONTAINING A BURNT RESIDUE THAT I RECOGNIZED AS MARIJUANA FROM MY TRAINING AND EXPERIENCE. I SEIZED THE PIPE AND SECURED IT IN MY CRUISER. I THEN INFORMED MR [REDACTED] HE WAS UNDER ARREST FOR POSSESSION OF CLASS D SUBSTANCE.

I TRANSPORTED MR [REDACTED] BACK TO THE STATION WHILE OFFICER DELLICICCHI INVENTORIED THE VEHICLE. OFFICER DELLICICCHI THEN TRANSPORTED MR [REDACTED] BACK TO THE STATION. SGT COONEY BOOKED BOTH SUBJECTS. DURING MR [REDACTED]'S BOOKING HE CONSENTED TO A BAC AND REGISTERED A .15 AND A .14. DURING MR [REDACTED]'S BOOKING, MR [REDACTED] REFUSED A BAC, AND STATED "I DON'T NEED TO TAKE A BREATHALYZER I'M WAY OVER". WHILE INVENTORING MR [REDACTED] PROPERTY I LOCATED A RECEIPT FROM DANIEL'S CANTINA BAR. THE RECEIPT WAS FOR \$100.70. IT SHOWED THAT HE WAS SERVED 10 ALCOHOLIC BEVERAGES. I ATTACHED THE RECEIPT TO MR [REDACTED]'S ARREST FOLDER. THE PIPE WAS PLACED IN AN EVIDENCE BAG AND SECURED IN EVIDENCE LOCKER 11.

MR [REDACTED] WAS ISSUED CITATION M1090327 FOR THE FOLLOWING:
94C-34 POSSESSION OF CLASS D SUBSTANCE

MR [REDACTED] WAS ISSUED CITATIONS M1090328, AND M1090329 FOR THE FOLLOWING:

90-24 OUI ALCOHOL
94C-34 POSSESSION OF CLASS D SUBSTANCE
89-4A MARKED LANES
90-11 NO LICENSE AND POSSESSION
90-7 DEFECTIVE EQUIPMENT (TAILLIGHT)

OFFICER SCOTT KRUG #82
ACTON POLICE

Daniela's Cantina Bar
208 Main Street
Acton, MA 01720
(978) 266-2777
www.danielas-cantina.com

52 BAR PM B

Chk 151 Oct17'04 08:13PM Gst 0

2 EL PRES MARG	17.90
2 RASP MARGRTA	13.90
2 CHIPS&SALSA	3.90
1 MILAG ROMANCE	14.95
1 L.I. ICED TEA	6.95
1 ROMANCE MARG	15.95
1 STOLI	6.95
1 MANGO MARG	7.95
1 CANTINA MARG	5.95
1 ROOT BEER	1.50
FOOD	3.90
LIQ	90.50
N/A BEV	1.50
Tax	4.80
10:23PM TOTAL	100.70

THANK YOU!!
PLEASE PAY YOUR SERVER!

Acton Police Department
Incident Report

October 28, 2004

Thursday 10:52

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0416654 1 No Yes	PATROL INITIATED DANIELAS TACORITO 208 MAIN ST Cross: PROSPECT ST @201 KELLY RD @240 ACTON, MA, 01720 (01) REPORT	DELLICICCH	10/16/2004, 02:35 10/16/2004, 02:35 10/16/2004, 02:35 10/16/2004, 03:03	ANTONELLI COONEY SUSP ACT BY-LAW VIOL CT: ANTONELLI

Reported as: BY-LAW VIOL Found as: BY-LAW VIOL
Domestic Abuse: No

Dispatcher Remarks:
OFC DELICICCHI OBSERVED POSS BY-LAW VIOL AT ABOVE

OTHER DANIELA'S TACORITO License: None
208B MAIN ST
M0304612 ACTON MA 01720
Phone: 978-266-2777 DOB: None Recorded
Commnt: VEHICLES PARKED IN LOT AFTER HOURS

Narrative(s):

Narr. 1: PTL. TRICIA DELICICCHI Division: None Status: Open [I0416654]
Title: INCIDENT REPORT Entered: PTL. TRICIA DELICICCHI
Reviewed: No officer

ON THE ABOVE DATE AND TIME WHILE IN FULL UNIFORM AND ASSIGNED TO MARKED CRUISER #24 THIS OFFICER OBSERVED APPROXIMATELY EIGHT VEHICLES PARKED IN THE PARKING LOT OF DANIELLA'S TACORITO CANTINA . I THEN APPROACHED THE FRONT DOOR OF THE CANTINA AND OBSERVED SEVERAL MALE SUBJECTS SITTING AT THE BAR AREA OF THE RESTAURANT. I WAS NOT ABLE TO OBSERVE ANY SUBJECTS DRINKING ALCOHOLIC BEVERAGES. I THEN CHECKED THE AREA APPROXIMATELY 1/2 AN HOUR LATER AND OBSERVED THAT THERE WERE NO VEHICLES PRESENT.

PTL. TRICIA DELICICCHI #91
ACTON POLICE REPORT

Acton Police Department
Incident Report

October 28, 2004

Thursday 10:52

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narr. 2: PTL. TRICIA DELLICICCHI Division: None Status: Open [I0416654]
Title: FOLLOW UP REPORT Entered: PTL. TRICIA DELLICICCHI
Reviewed: No officer

ON OCTOBER 16TH, 2004 AT APPROXIMATELY 18:00 HRS THIS OFFICER WAS INFORMED BY A FEMALE SUBJECT THAT SHE HAD RECENTLY BEEN AT DANIELAS CANTINA DRINKING TIL 2:30 A.M. SHE STATED THAT, " AS LONG AS HER AND HER MALE FRIEND ORDERED DRINKS THE BARTENDING KEPT SERVING THEM ALCOHOLIC BEVERAGES. THE FEMALE SUBJECT REQUESTED THAT HER NAME REMAIN ANONYMOUS.

PTL. TRICIA DELLICICCHI #91
ACTON POLICE DEPARTMENT

Acton Police Department

InterDepartmental Memo

From: Frank J. Widmayer, Chief of Police

Date: November 29, 2004

To: Don Johnson, Town Manager

Subj: Daniela's TacoRito

Please see the attached report written by Det. Christopher Browne.

I plan to bring up this violation along with the other violation already scheduled for December 13th for the consideration of the Board.

Frank J. Widmayer
Chief of Police

November 28, 2004

Acton Police Department
Incident Report

Sunday 06:39

Single Incident

FILE COPY

COPY

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0418707 1 No Yes	PATROL INITIATED DANIELAS TACORITO 208 MAIN ST Cross: PROSPECT ST @201 KELLY RD @240 ACTON, MA, 01720 (01) SPOKEN TO	BROWNE	11/27/2004, 00:50 11/27/2004, 00:50 11/27/2004, 00:50 11/27/2004, 00:50	ANTONELLI COONEY LIQ LIS BY-LAW VIOL CT: ANTONELLI
Reported as: BY-LAW VIOL Found as: BY-LAW VIOL Domestic Abuse: No				
Dispatcher Remarks: (2) OWNERS/NO CUSTOMERS AND (2) DRINKS OBSERVED ON THE BAR BY DET BROWNE. OWNERS SPOKEN TO AND SHOWED DET BROWNE THEIR LIC. WHICH SHOWED NO SPECIFIC HOURS.				
OTHER M0304612	DANIELA'S TACORITO 208B MAIN ST ACTON MA 01720 Phone: 978-266-2777 Commnt: OWNERS SEATED AT BAR AFTER CLOSING HOURS	License: None DOB: None Recorded		
OTHER (Female) M0305071	BOYD, TRACEY 60 PROSPECT ST ACTON MA 01720 Phone: 978-394-2506 Race: W Commnt: OWNER LIQ.LIC AT DANIELA'S TACORITA	License: 016-64-2836 (MA) SSN: 016-64-2836 DOB: 06/22/1970 Age: 34		
OTHER (Male) M9802199	MIRANDA, GERALDO 60 PROSPECT ST ACTON MA 01720 Phone: 978-263-9741 Race: HIS Commnt: OWNER DANIELA'S TACORITA	License: 026-68-3458 (MA) SSN: 026-68-3458 DOB: 10/25/1964 Age: 40		
Narrative(s):				
Narr. 1: DET. CHRIS BROWNE Title: BAR CHECK-LIQUOR LIC	Division: None Entered: DET. CHRIS BROWNE Reviewed: No officer	Status: Open	[I0418707]	
<p>On November 27, 2004 at approximately 12:40 AM, while on patrol in uniform in a marked cruiser, I was traveling through the parking lot past the front door of Daniela's Tacorita 208 Main St. I observed a male subject standing at the bar known to me as Geraldo Miranda- owner of the restaurant. I also observed a female seated at the bar with a drink on the bar in front of her. Knowing that no liquor license in the Town of Acton allows the serving of alcoholic beverages after midnight I stopped in front of the store to make observations.</p> <p>The female seated at the bar got up and came to the front door. I</p>				

*Forwarded
to corp
11-28-04 @ 12:50 PM
TR*

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: DET. CHRIS BROWNE

Incident I0418707

recognized her as a person known to me as Tracey Boyd, Geraldo's girlfriend. I know the Town of Acton Liquor license for this restaurant to be in her name. Upon opening the door I asked if everthing was OK. Tracey, with Geraldo behind her exited the restaurant and told me that everthing was OK and they were just having a drink before closing up. I asked if there were any patrons inside. Tracey told me NO. I commented that there should not be any delivery of alcoholic beverages from the bar after midnight. Tracey then commented State Law is 1:00 AM. I informed her that the liquor license is through the Town of Acton and govern by the limits set forth in the license. I then commented that the hours posted at the front of the business indicate that they close on three nights at 11:00PM and the remaining days of the week at 10:00PM. I commented that how could they be serving after those hours any way. Tracey told me that the kitchen closes at that time they still have the bar open after their posted closing time. Tracey told me that she assumed it was state Law to serve up till 1:00AM. At this point I asked to see the restaurant liquor license. I entered the restaurant.

There was no one else in the restaurant or at the bar. Where Tracey was seated at the bar was a glass full to the rim with a green liquid and what I believe was salt around the rim of this glass. It appeared to be a Margarita. Since the salt was not disturbed around the circumference of the glass rim and the liquid was up to the rim of the glass I believe that this drink was recently poured- within the past 5 to 10 minutes. There was also a open and part full beer bottle on the bar in the same area.

The Town of Acton liquor license which was present and posted in a conspicuous location at the bar. The Liquor license allowed seven day service of alcoholic beverages. No times were listed on the license. I asked Tracey what the times of her license are. Tracey told me that she assumed it was the State law of 1:00AM. I again stated that she closes at 11:00PM. Tracey said that is the closing time of the Kitchen not the bar.

I explained to Tracey that all liquor licenses have time limits for service of Alcoholic Beverages. I informed Tracey that I would be inquiring at Acton Town Hall about the liquor license and times.

Det. Christopher Browne #23
Acton Police Dept.

Acton Police Department

InterDepartmental Memo

From: Frank J. Widmayer, Chief of Police

Date: September 28, 2005

To: Don Johnson, Town Manager

Subj: Daniela's TacoRito

FILE COPY

As you can see from the attached documentation there has been another serious accident and arrest resulting from the over serving of alcohol at the above establishment. According to my records this incident is the fourth violation in the past two years.

This latest incident involves pending court action so the reports have been redacted to remove the name of the arrested party and other personal information.

I am requesting that the Board of Selectmen call the owner of Daniela's in for a license suspension hearing.



Frank J. Widmayer
Chief of Police

TO: Lieutenant Thomas J. Rogers

DATE: September 26, 2005

FROM: Raymond P. Grey

SUBJ: Liquor License Violation (Daniela's Tacorito)

On 9-25-05 while reviewing Officer Penny's arrest report I noticed the arrestee indicated prior to the accident she had been drinking at Daniela's Tacorito. Apparently she is friends with the owners and fled to their home after the accident. The arrestee only drove approximately 100 yards prior to driving off the road. The impact of the collision split a utility pole on Prospect Street. A breath test was administered and a reading of .15 was achieved. As you know this is almost double the legal limit. During the bail process I specifically asked if she had been drinking anywhere else prior to the accident. To which she replied "no."

I have attached a copy of the Incident Report to this communication.

9-27-05 @ 1800 HRS - forwarded to C.O.P. / TR

Single Incident

COPY

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0514900	CALL FOR SERVICE	COGAN M	09/24/2005, 22:37	MACGLASHIN
	54 PROSPECT ST	PENNEY	09/24/2005, 22:37	COGAN J
9	Cross: (AT THE CORNER OF)		09/24/2005, 22:40	MVA
Yes Yes	MAIN ST @54		09/24/2005, 22:57	ACCIDENT NO PI
	ACTON, MA, 01720 (01)			CT: MACGLASHIN
	ARREST			
<p>Reported as: ACCIDENT NO PI Found as: ACCIDENT NO PI</p> <p>Domestic Abuse: No</p> <p>Dispatcher Remarks:</p> <p>41MC/58LP TO THE ABOVE FOR REPORT OF MVA. MA PC 4536BK HIT A TELEPHONE POLE. DRIVER LEFT THE SCENE, WAS FOUND AT 60 PROSPECT. OPERATOR WAS ARRESTED. INTERNATIONAL TO TOW CAR. NSTAR NOTIFIED OF POLE BROKEN IN HALF. STARTING MILEAGE 7349. ENDING MILEAGE 7350.</p>				
ARRESTED	[REDACTED]		License: [REDACTED] (MA)	
(Female)	[REDACTED] Apt: 211		SSN: [REDACTED]	
M0003556	SHREWSBURY MA 01505			
	Phone: 978-[REDACTED] Race: WHI		DOB: [REDACTED] Age: 25	
	Commt: ARRESTED: ACCIDENT NO PI			
WITNESS	MCKELVEY, MARK A		License: [REDACTED] (MA)	
(Male)	54 PROSPECT ST			
M0500352	ACTON MA 01720			
	Phone: 508-[REDACTED] Race: W		DOB: [REDACTED] Age: 42	
	Commt: WITNESS WHO REPORTED HIT/RUN OUI ACC			
PROP-OWNR	NSTAR		License: None	
	800 BOYLSTON ST			
M0101446	BOSTON MA 02199			
	Phone: 617-[REDACTED]		DOB: None Recorded	
	Commt: OWNER OF POLE #15 STRUCK 54 PROSPECT ST			
PROP-OWNR	DANIELA'S TACORITO		License: None	
(Female)	208B MAIN ST			
M0304612	ACTON MA 01720			
	Phone: 978-266-2777		DOB: None Recorded	
	Commt: RESTAURANT SUSPECT ADMITTED DRINKING AT			
SUSPECT	MIRANDA, GERALDO		License: [REDACTED] (MA)	
(Male)	60 PROSPECT ST		SSN: [REDACTED]	
M9802199	ACTON MA 01720			
	Phone: 978-[REDACTED] Race: HIS		DOB: [REDACTED] Age: 40	
	Commt: RESTAURANT OWNERS HOUSE SUSPECT FLED TO			

Acton Police Department

September 26, 2005

Incident Report

Monday 22:56

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Incident I0514900 (continued)

Persons:

SUSPECT BOYD, TRACEY License: [REDACTED] (MA)
 (Female) 60 PROSPECT ST SSN: [REDACTED]
 M0305071 ACTON MA 01720
 Phone: 978-[REDACTED] Race: W DOB: [REDACTED] Age: 35
 Commt: OWNER PRESENT AT RESTAURANT

OPERATOR [REDACTED] License: [REDACTED] (MA)
 (Female) [REDACTED] Apt: 211 SSN: [REDACTED]
 M0003556 SHREWSBURY MA 01505
 Phone: 978-[REDACTED] Race: WHI DOB: [REDACTED] Age: 25
 Commt: ARRESTED: ACCIDENT NO PI

Vehicles:

ID	Sr	Status	Color	Year	Make	Model	Style	VIN
500769	AC	No status	Gray	2000	Toyota	Camry	Sedan, 4D	
			Tag: MA [REDACTED]	Personal		Red		
			Person: 01 [REDACTED]	(ARRESTED)				

Narrative(s):

Narr. 1: PTL. LUKE PENNEY Division: None Status: Open [I0514900]
 Title: OUI HIT/RUN ACC Entered: PTL. LUKE PENNEY
 Reviewed: No officer

OFFICER M COGAN AND I RESPONDED TO 54 PROSPECT ST FOR A REPORT OF A CAR THAT JUST STRUCK A POLE AND THE OPERATOR WAS WALKING AWAY. PROSPECT ST IS A PUBLIC WAY OWNED AND MAINTAINED BY THE TOWN OF ACTON. UPON ARRIVAL, I OBSERVED MA REG [REDACTED] (2000 TOYOTA CAMRY GRAY REGISTERED TO [REDACTED] OF [REDACTED] SHREWSBURY) INTO AN N-STAR POLE WITH EXTENSIVE RIGHT FRONT DAMAGE. BOTH AIR BAGS HAD GONE OFF. THE IMPACT OF THE CAR WAS SO VIOLENT THAT THE POLE SNAPPED IN HALF. DETECTIVE CAMPBELL ARRIVED ON SCENE TO ASSIST ME IN LOOKING FOR THE OPERATOR AS OFFICER COGAN STOOD BY THE CAR IN THE MIDDLE OF THE ROADWAY. FROM THE EXTENSIVE DAMAGE TO THE CAR AND NSTAR POLE# 15, I ESTIMATED THE CARS SPEED AT APPROXIMATELY 45 MILES PER HOUR. PROSPECT ST IS POSTED 30 MILES PER HOUR. I OBSERVED NO EVIDENCE SKID OR YAW MARKS LEADING UP TO HE POLE IN WHICH THE VEHICLE STRUCK.

RESIDENT MARK MCKELVEY OF 54 PROSPECT ST WAS STANDING ON HIS FRONT LAWN NEXT TO THE NSTAR POLE. MCKELVEY DRESSED IN A BATHROBE SAID HE WAS AWOKEN BY THE NOISE OF THE CRASH IN FRONT OF THE HOUSE AND RUSHED OUT TO SEE WHAT HAPPENED. MCKELVEY SAID HE SAW A FEMALE WITH A RED TANK TOP GET OUT OF THE CAR EMBEDDED

Single Incident

INCIDENT LOCAL #	ACTIVITY		RECEIVED DISPATCHED	DISPATCHER SUPERVISOR
PRIORITY	ADDRESS (JURISDICTION)		ARRIVED	NATURE
ACC REP	DISPOSITION	OFFICER(S)	CLEARED	INCIDENT TYPE

Narrative 1 (continued) By: PTL. LUKE PENNEY

Incident I0514900

INTO THE POLE NOW SNAPPED IN TWO AND HEAD NORTH ON PROSPECT ST ON FOOT.

DETECTIVE CAMPBELL AND I CHECKED THE AREA PARKING LOTS INCLUDING DANIELA'S TACORITO 208B MAIN ST (A MEXICAN RESTAURANT/BAR) APPROXIMATELY 50 YARDS AWAY FROM THE ACCIDENT. WE ASKED THE PATRONS AND OWNERS TRACEY BOYD AND GERALDO MIRANDA IF THEY HAD SEEN THE FEMALE WITH A RED TANK TOP IN THE RESTAURANT. THE PATRONS AND OWNERS SAID NO. I PHYSICALLY CHECKED THE RESTAURANT WITH NEGATIVE RESULTS. OWNERS MIRANDA AND BOYD KEPT SAYING "SHE WASN'T DRINKING HERE". I THEN WENT OUTSIDE AND OBSERVED AN OLDER MALE IN HIS 60'S OR 70'S WALKING DIAGONALLY ACROSS THE LOT FROM THE AREA OF THE ACCIDENT.

THE OLDER MALE WALKED UP TO OWNER MIRANDA. I KNEW FROM PREVIOUS CALLS TO THE RESTAURANT ON ALCOHOL RELATED PROBLEMS THAT THE OWNER LIVED ACROSS THE STREET JUST DOORS AWAY FROM THE ACCIDENT SCENE.

AFTER THE TWO HAD WORDS, OWNER MIRANDA WAVED ME OVER. HE SAID THE OLDER GENTLEMAN HE WAS TALKING TO WAS HIS FATHER. MIRANDA SAID THAT THE GIRL I ASKED ABOUT EARLIER WAS AT HIS HOUSE AT 60 PROSPECT ST. HE ALSO POINTED TO A FEMALE PATRON WITH A GROUP NOW GATHERED OUTSIDE THE ENTRANCE AND SAID THE SUSPECT WAS FRIENDS WITH HER. I THEN DROVE MIRANDA TO HIS HOUSE. I ADVISED DETECTIVE CAMPBELL WHO WAS PRESENT OF THIS NEW INFORMATION AND ASKED HIM TO FOLLOW ME AND MIRANDA TO THE HOUSE.

WE ARRIVED AT MIRANDA'S HOUSE 60 PROSPECT ST WHERE MIRANDA LED US INTO THE HOUSE. WE WENT TO A FRONT BEDROOM WHERE I OBSERVED A FEMALE FITTING THE DESCRIPTION OF THE GIRL LEAVING THE ACCIDENT SCENE WITHOUT ANY SHOES ON. I ASKED FOR HER NAME AND SHE SAID [REDACTED]. I ASKED IF SHE WAS INJURED AT ALL AND SHE SAID "NO". I ASKED IF SHE WAS WEARING A SEAT BELT IN THE ACCIDENT AND SHE SAID "YES".

I ASKED [REDACTED] TO STEP OUTSIDE. I COULD DETECT A STRONG ODOR OF AN ALCOHOLIC BEVERAGE COMING FROM HER PERSON. I ASKED HER IF SHE HAD BEEN DRINKING AND SHE SAID "I HAD TWO DRINKS". I ASKED HER WHERE SHE WAS DRINKING AND SHE SAID "DANIELA'S". I THEN ASKED HER IF SHE COULD RECITE THE ALPHABET. SHE MADE TWO ATTEMPTS AND FAILED. SHE WAS VERY UNSTEADY ON HER FEET AS WE WALKED OUT TO THE FLAT DRIVEWAY.

I ASKED HER ABOUT THE ACCIDENT. SHE SAID SHE HAD AN ARGUMENT WITH HER BOYFRIEND AT DANIELA'S AND LEFT IN HER CAR. SHE SLURRED HER SPEECH AS SHE SPOKE TO ME AND HER EYES WERE GLASSY AND BLOODSHOT. WITH THE EVIDENCE OF THE ACCIDENT, WITNESS STATEMENT DESCRIPTION, THE RESTAURANT OWNERS STATEMENT, AND THE FEMALES INTOXICATED CONDITION, I FORMED THE OPINION THAT SHE WAS OPERATING UNDER THE INFLUENCE OF INTOXICATING LIQUORS. I ADVISED HER SHE WAS UNDER ARREST.

I PLACED HANDCUFFS ON HER AND TRANSPORTED HER TO THE STATION WHERE SHE WAS BOOKED AND READ HER RIGHTS BY SGT COONEY. I TRANSPORTED HER TO THE MAYNARD

Acton Police Department
Incident Report

September 26, 2005

Monday 22:56

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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Narrative 1 (continued) By: PTL. LUKE PENNEY Incident I0514900

POLICE DEPARTMENT WHERE OFFICER NEUFELD ADMINISTERED THE BREATHALYZER TEST. [REDACTED] FAILED TO PROVIDE SUFFICIENT BREATH BREATH SAMPLES ON TWO OCCASIONS. SHE FINALLY PROVIDED SUFFICIENT TESTS WITH RESULTS OF .15 AND .16. I THEN TRANSPORTED HER BACK TO THE STATION WHERE SHE WAS PLACED IN THE HOLDING CELL.

OPERATOR [REDACTED] WAS ISSUED CITATION # M2070565 FOR ARREST FOR

- 1) CH 90 SEC 24 OUI LIQUOR
- 2) CH 90 SEC 24 LEAVING THE SCENE PROP DAMAGE ACCIDENT
- 3) CH 90 SEC 17 SPEEDING
- 4) CH 89 SEC 4A MARKED LANES VIOLATION

MAYNARD POLICE ADVISED ME THAT SINCE I DIDN'T HAVE THE OPERATOR'S PHYSICAL LICENSE TO SCAN IN THE BT MACHINE THAT IT WOULD NOT PRINT A TEMPORARY LICENSE. DETECTIVE BROWNE PHOTOGRAPHED THE SCENE OF THE ACCIDENT. NSTAR WAS CONTACTED AND AN EMERGENCY DETAIL WAS SENT OUT SO THAT NSTAR COULD REPLACE THE POLE. THE CAR WAS TOWED BY INTERNATIONAL COLLISION.

RESPECTFULLY SUBMITTED
PTL LUKE D. PENNEY # 58

Narr. 2: PTL. LUKE PENNEY Division: None Status: Open [I0514900]
Title: MV ACCIDENT REPORT Entered: PTL. LUKE PENNEY
Reviewed: No officer

Citation Number if issued:M2070565

Describe What Happened: (Refer to Vehicles by Number)
OPERATOR 1 TRAVELLING SOUTH ON PROSPECT ST AT HIGH RATE OF SPEED, LEFT THE ROADWAY AND STRUCK NSTAR POLE BREAKING POLE.

Acton Police Department

InterDepartmental Memo

From: Frank J. Widmayer, Chief of Police

Date: September 29, 2005

To: Don Johnson, Town Manager

Subj: Daniela's TacoRito

FILE COPY

As you can see from the attached documentation there has been another arrest resulting from the over serving of alcohol at the above establishment. According to my records this incident is the fifth violation in the past two years.

This latest incident involves pending court action so the reports have been redacted to remove the name of the arrested party and other personal information.

I am requesting that the Board of Selectmen call the owner of Daniela's in for a license suspension hearing. I expect that the Board may want to combine this hearing with the other request I sent up yesterday.



Frank J. Widmayer
Chief of Police

**Acton Police Department
Incident Report**

September 28, 2005

Wednesday 16:19

Single Incident

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
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I0513555	PATROL INITIATED	KRUG	09/02/2005, 21:33	DEAN
	SCHOOL ST	ABRAMOWITZ	09/02/2005, 21:35	COGAN J
9	ACTON, MA, 01720 (01)		09/02/2005, 21:35	MVS 119EYC
No Yes	ARREST		09/02/2005, 21:51	M/V VIOLATION CT: DEAN

Reported as: M/V VIOLATION Found as: M/V VIOLATION
Domestic Abuse: No

Dispatcher Remarks:

82SK STOPPED MA/PC 119EYC NEAR THE ABOVE. 68GA ASSISTED. 68GA TO TRANSPORT ONE BACK FOR ARREST. SCOTT'S TO TOW. SEE REPORT.

ARRESTED [REDACTED] License: [REDACTED] (MA)
(Female) [REDACTED] SCHOOL ST SSN: [REDACTED]
M9800842 ACTON MA 01720
Phone: 978-[REDACTED] Race: WHI DOB: [REDACTED] Age: 58
Comm: ARRESTED: M/V VIOLATION

Vehicles:

ID	Sr	Status	Color	Year	Make	Model	Style	VIN
V0500718	AR	No status	Gray	2000	Saab	95	Station Wg	
Tag: MA [REDACTED]								
Person: 01 [REDACTED] (ARRESTED)								

Narrative(s):

Narr. 1: PTL. SCOTT KRUG Division: None Status: Open [I0513555]
Title: REPORT Entered: PTL. SCOTT KRUG
Reviewed: No officer

ON THE ABOVE DATE AND TIME I WAS TRAVELING EAST ON SCHOOL ST (PUBLIC WAY). I WAS BEHIND A VEHICLE DISPLAYING MA REG [REDACTED]. AS THE VEHICLE CAME UPON THE INTERSECTION OF SCHOOL ST AND PIPER RD THE ENTIRE VEHICLE DROVE OVER THE CENTER LINE INTO THE LEFT LANE. I ACTIVATED MY BLUE LIGHTS TO STOP THE VEHICLE. THE VEHICLE DROVE TO THE RIGHT SIDE OF THE RD AND CAME TO A STOP IN THE MIDDLE OF THE EASTBOUND LANE. I APPROACHED THE OPERATOR OF THE VEHICLE WHO WAS LATER IDENTIFIED AS [REDACTED], AND REQUESTED FOR HER LICENSE AND REGISTRATION. MS [REDACTED] HANDED ME HER REGISTRATION AND A FOLDER HOLDING HER DRIVERS LICENSE. I REQUESTED FOR HER TO REMOVE THE DRIVERS LICENSE FROM THE FOLDER. WHEN MS [REDACTED] DID THIS SHE HAD DIFFICULTY PULLING THE DRIVERS LICENSE OUT OF THE FOLDER. I THEN EXPLAINED TO MS [REDACTED] THE REASON WHY I STOPPED HER. I ASKED MS [REDACTED] IF SHE WAS AWARE SHE WAS DRIVING ON THE WRONG SIDE OF THE ROAD, SHE STATED "NO". WHEN MS [REDACTED], SHE SPOKE WITH A SLURRED SPEECH. HER EYES WERE BLOODSHOT AND GLASSY, AND SHE HAD A STRONG ODOR OF AN ALCOHOLIC BEVERAGE COMING FROM HER BREATH. I ASKED MS [REDACTED] IF SHE HAD BEEN DRINKING TONIGHT, SHE STATED "I HAD ONE MARGARITA AT DANIEL'S TACORITO".

Acton Police Department
Incident Report

September 28, 2005

Wednesday 16:19

Single Incident

INCIDENT LOCAL #	ACTIVITY		RECEIVED DISPATCHED	DISPATCHER SUPERVISOR
PRIORITY	ADDRESS (JURISDICTION)		ARRIVED	NATURE
ACC REP	DISPOSITION	OFFICER(S)	CLEARED	INCIDENT TYPE

Narrative 1 (continued) By: PTL. SCOTT KRUG

Incident I0513555

AT THIS POINT I REQUESTED FOR HER TO EXIT THE VEHICLE TO PERFORM FIELD TESTS AND SHE AGREED. WHEN SHE EXITED THE VEHICLE SHE FELL BACK AGAINST THE SIDE OF THE CAR. MS [REDACTED] WALKED TO THE REAR OF THE VEHICLE HOLDING ONTO THE SIDE. ONCE BACK AT THE REAR OF THE VEHICLE SHE LEANED AGAINST THE BUMPER TO HOLD HERSELF UP. I REQUESTED FOR TO STEP AWAY FROM HER VEHICLE AND WHEN SHE DID THIS SHE FELL BACK INTO THE VEHICLE AGAIN.

I ATTEMPTED TO DEMONSTRATE AND EXPLAIN THE NINE STEP FIELD TEST. DURING THE INSTRUCTION PHASE MS [REDACTED] COULD NOT PUT ONE FOOT IN FRONT OF THE OTHER WITHOUT FALLING BACK INTO THE REAR OF HER VEHICLE. MS [REDACTED] ATTEMPTED TO LEAN AGAINST HER VEHICLE WHILE TRYING TO PUT ONE FOOT IN FRONT OF THE OTHER FOOT. AFTER MS [REDACTED] ATTEMPTED TO PLACE ONE FOOT IN FRONT OF THE OTHER ONE AND FAILED I DISCONTINUED TRYING TO EXPLAIN THE TEST.

I THEN ATTEMPTED TO EXPLAIN AND DEMONSTRATE THE ONE LEG STAND FIELD TEST. WHILE I WAS DEMONSTRATING THIS FIELD TEST MS [REDACTED], SHE STATED "I COULDN'T DO THAT IF I HADN'T DRANK". I THEN ASKED MS [REDACTED] AGAIN HOW MUCH SHE HAD TO DRANK, SHE STATED "I HAD A GIN AND TONIC BEFORE I LEFT MY HOUSE".

I THEN REQUESTED FOR MS [REDACTED] TO STATE THE ALPHABET, STARTING WITH "C" AND ENDING AT "W". MS [REDACTED] STATED "C" THROUGH "E" AND THEN ASKED ME "WHAT DO YOU WANT ME TO SAY". I EXPLAINED TO MS [REDACTED] TO STATE UP TO "W". MS [REDACTED] CONTINUED THE ALPHABET FROM "H" AND UP TO "S", PAUSED AND THEN STATED TO "W".

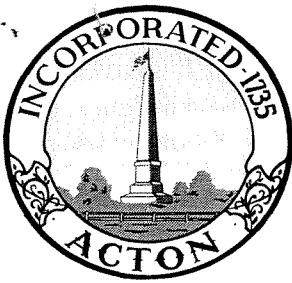
I THEN GAVE MS [REDACTED] THE NYSTAGMUS FIELD TEST. MS [REDACTED] FOLLOWED MY PEN WITH HER HEAD. I STOPPED THIS FIELD TEST AND ASKED HER TO ONLY FOLLOW MY PEN WITH HER EYES. WHEN I BROUGHT THE PEN TO THE LEFT SIDE OF HER HEAD MS [REDACTED] LOOKED RIGHT. I THEN DISCONTINUED THIS FIELD TEST.

I REQUESTED FOR MS [REDACTED] TO REMAIN BY THE REAR OF HER VEHICLE WHILE I SPOKE TO MY BACK UP OFFICER, OFFICER ABRAMOWITZ. WHEN I DID THIS MS [REDACTED] GOT BACK INTO HER VEHICLE. AT THIS POINT I PLACED MS [REDACTED] UNDER ARREST FOR OUI ALCOHOL. I PLACED MS [REDACTED] IN THE BACK OF OFFICER ABRAMOWITZ CRUISER AND OFFICER ABRAMOWITZ TRANSPORTED HER BACK TO THE STATION WHERE SHE WAS BOOKED BY SGT COGAN. I INVENTORIED THE VEHICLE AND THE VEHICLE WAS TOWED BY J SCOTT MOTORS.

I THEN RETURNED TO THE STATION. ONCE BACK AT THE STATION MS [REDACTED] CONSENTED TO THE BAC. WHILE I WAS ENTERING MS [REDACTED]'S INFORMATION INTO THE BAC MACHINE MS [REDACTED] STATED WITH A SARCASTIC COMMENT, "IS THIS WHAT MY TAX DOLLARS ARE PAYING FOR". MS [REDACTED] REGISTERED ON THE BAC A .16. I ISSUED MS [REDACTED] CITATION M2071286 FOR THE FOLLOWING:

90-24 OUI ALCOHOL
89-1 FAIL TO KEEP RIGHT

OFFICER SCOTT KRUG #82
ACTON POLICE



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

October 4, 2005

Mr. Geraldo Miranda
President and Director
Daniela's Tacorito, Inc
60 Prospect Street
Acton, MA 01720

Mr. Kenneth Bender
Treasurer, Clerk, and Director
Daniela's Tacorito, Inc.
293 Old Dunstable Rd.
Groton, MA 01450

Ms. Virginia Wood
Director
Daniela's Tacorito, Inc
293 Old Dunstable Rd.
Groton, MA 01450

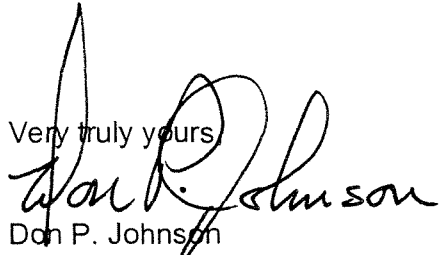
Ms. Tracy Boyd
Manager and Director
Daniela's Tacorito, Inc
60 Prospect Street
Acton, MA 01720

Mr. Miranda et al,

The Board of Selectmen of the Town of Acton has been notified of two additional notices of alleged over serving by Directors, officers or staff of Daniela's Tacorito Inc. Due to the fact that these latest two allegations bring the total to 5 such allegations in the last 24 months, the Board of Directors, or **at a minimum, the officers (Mr. Miranda and Mr. Bender) of Daniela's Tacorito Inc.** are hereby directed to attend a public hearing of the Acton Board of Selectmen on October 17, 2005 at 9:30 PM to show cause as to why the Liquor License for Daniela's Tacorito should not be revoked permanently. Said meeting will be held in Room. 204 of the Acton Town Hall, 472 Main Street, Acton, Massachusetts. Due to the seriousness of the pending hearing, the Directors and Officers of Daniela's Tacorito may wish to employ legal representation at this "Show Cause Hearing".

As you are aware, The Board of Selectmen takes these matters very seriously, and at prior disciplinary hearings Daniela's Tacorito has not found it necessary to have the President or an officer of the corporation attend the hearing. If the Directors or the Officers, at a minimum, continue to decide liquor law violation hearings are not of sufficient significance for them to attend, the Board of Selectmen will continue the hearing and suspend the liquor license of Daniela's Tacorito until such time that at a minimum all the officers (Mr. Miranda and Mr. Bender) of the corporation are in attendance.

Very truly yours


Don P. Johnson
Town Manager

Cc. Police Chief
Liquor File